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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,940	02/17/2004	Alessandro Dematteis	AGZP:113 US	9367
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SIMPSON & SIMPSON, PLLC				
5555 MAIN STREET				
WILLIAMSVILLE, NY 14221-5406				
EXAMINER				
HAUGLAND, SCOTT J				
ART UNIT		PAPER NUMBER		
3654				
MAIL DATE		DELIVERY MODE		
01/23/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/779,940

Applicant(s)

DEMATTEIS, ALESSANDRO

Examiner

Scott Haugland

Art Unit

3654

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status Identifiers

It is noted that the status identifiers of claims 17 and 18 are incorrect. No restriction has been made in this application and, thus, no claims have been withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 17 and 18 only recite subject matter already in their parent claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farnsworth (U.S. Pat. No. 1,832,974) in view of Atkins (U.S. Pat. No. 1,120,432), Faeber et al (U.S. Pat. No. 3,037,557), and the admitted prior art of paragraphs [0003] (p. 1) through [0008] (p. 3) of the specification.

Farnsworth discloses a roller for conveying a web comprising a first cylindrical tubular body 1 equipped with a plurality of radial holes arranged in longitudinal rows. The tubular body 1 is capable of rotating with respect to a second inner fixed co-axial body 2. A suction chamber is defined between said first and said second body by means of sliding sealing elements (4,6) that extend radially between the first and second tubular bodies. The sealing elements comprise a fixed portion 4 forming a guide and a bar 6.

Farnsworth does not disclose that the suction chamber that extends the full length of the roller. Farnsworth does not explicitly state that the bar 6 can slide in the guide 4 or that the apparatus is a machine selected from the group consisting of rewinding, winding, and interfolding machines.

Atkins teaches making a suction chamber (defined by q, w, v, t, s) of a suction roller extend the full length of the suction roller.

Faeber et al teaches forming a sliding sealing element as a guide 32 and a bar 39 slidable in the guide so as to resiliently engage an inner surface of a cylindrical shaped tubular body 10.

The admitted prior art teaches using a conveying roller having a partial vacuum created inside the rollers in rewinding and interfolding machines to facilitate handling of web material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the suction chamber of the roller of Farnsworth so that it extends the full length of the roller to reduce complexity, number of parts, and cost of the device for uses where adjustability is not required. It would have been obvious to make the bar 6 slidable in the guide 4 so as to resiliently engage an inner surface of the first cylindrical shaped tubular body as taught by Faeber et al to provide a more reliable seal that can accommodate variations in shape and changes in dimensions (e.g., with temperature) of the tubular bodies.

It would have been obvious to use the conveying roller of Farnsworth in a rewinding or interfolding machine as taught by the admitted prior art to more efficiently provide the required gripping force on the web material as it is fed through the machine.

Response to Arguments

Applicant's arguments filed 11/3/08 have been fully considered but they are not persuasive.

Applicant argues that Farnsworth does not relate to a machine according to the invention. However, while Farnsworth is not limited to use in a Fourdrinier machine (see the first paragraph of the patent), such paper making machines typically involve winding of the paper produced. Additionally, nothing inherent in the structure disclosed

in Farnsworth would prevent its use in a number of different kinds of machines covered by the types broadly recited in the claims. The suction roll is capable of performing the claimed function of capturing and dragging the end of a web.

In response to applicant's argument based upon the age of the Farnsworth reference, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

Contrary to applicant's arguments, Farnsworth, Atkins, and Faeber et al are all explicitly related to at least one common field, namely, paper handling in paper making machines. As discussed at col. 1, lines 11-17 of Faeber et al and as is well known, suction rolls of the type disclosed in the references can be used for various purposes that involve handling of webs. The factors governing their operation are sufficiently well understood and predictable that the suction rolls can be adapted, by adjustment of various parameters, to a wide variety of uses and environments.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new grounds of rejection were necessitated by the amendment of claim 16, lines 1-2. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SJH/

1/14/09

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654